Avram Iancu’s Will and Legacy
Unknown Legal Documents (1850–1877) in the Rațiu Collection of the Lucian Blaga Central University Library in Cluj-Napoca

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Whereas my only wish has been the happiness of my Nation, for which I have toiled until now to the best of my abilities—pain without much success—, it is with sadness that I now see my hopes and sacrifices coming to naught.

I do not know how many days I have left; a kind of premonition seems to tell me that the future is uncertain. Therefore, it is my wish and firm command that, after my death, all my movables and immovables be placed at the disposal of the nation, to be used in the establishment of a Law Academy, as it is my firm belief that those fighters wielding the weapon of the law will be able to secure the rights of my Nation.

Câmpeni, 20 December 1850

Avram Iancu,
Lawyer and Emeritus Praefectus

Avram Iancu (1824–1872) is the absolute hero of the Transylvanian Romanians. The commemoration of one and
a half century since his death (2022) and the anniversary of two centuries since his birth (2024) are celebrated in Cluj-Napoca, under the joint aegis of George Barițiu Institute of History of the Romanian Academy and of Lucian Blaga Central University Library, by means of the recently released first two tomes of the book series “Avram Iancu—200 de ani de la naștere” (Avram Iancu—200 years since his birth).²

In spite of the huge importance and the significant role played by the “Prince of the Mountains” (Craiul munților), both during the Transylvanian revolution and war of 1848–1849 and in the following two decades, as a young father of the modern Romanian nation, our hero’s life, deeds and writings are still little known, while our historiography still lacks a corpus of documents regarding Avram Iancu.

On 6 November 2015, an unknown collection of legal historical documents belonging to the Rațiu family—including Avram Iancu’s death documents—was festively donated by Indrei Rațiu, the son of politician Ion Rațiu (1917–2000), to Lucian Blaga Central University Library of Cluj-Napoca, via its director, Dr. Doru Radosav.³

By care of Dr. Ionuț Costea, chief of the Department of Special Collections of the Cluj-Napoca Central University Library, the documents of the Rațiu collection were scanned and entrusted to me for editing. In January 2016 I made the transcriptions of the Romanian documents (written with Cyrillic and Latin letters) and I translated the German and Hungarian ones into Romanian. The scientific revision of the Hungarian documents was made by Dr. Remus Câmpeanu, researcher at George Barițiu Institute of History.

The shock caused by the reading of these unexpectedly fateful and funeral documents determined me, in February 2016, to ask Dr. Doru Radosav and Dr. Gelu Neamțu, an expert in Avram Iancu⁴ and editor of the corpus published by my institute of history, Documente privind revoluția de la 1848 în Țări Române. C. Transilvania (Documents regarding the Revolution of 1848 in the Romanian Lands. C. Transylvania),⁵ to proofread my transcriptions. After their proofreading, the aforementioned historians insisted both on the need of the past realities to be presented as they were, with their lights and shadows, for the sake of authenticity, verity, truth, and on the necessity of publishing the unknown documents of the Rațiu collection, accompanied by their explanation and contextualization in an extensive study. This is how the book about Avram Iancu, Lawyer of the Motzen and of the Romanian Nation came into being in 2023.⁶

The Rațiu collection contains 31 documents from the years 1850–1877, 28 of them unedited until 2023. Among them a single one is very famous: the testament written and signed manu propria by Iancu himself.
The three previously published documents of the Rațiu collection are: the holograph testament of Avram Iancu (Câmpeni, 20 December 1850)—published by Iosif Sterca Șuluțiu in 1897, in the first biography dedicated to Iancu in the magazine Transilvania and in a separate brochure, as well as two death conscriptions of the “Prince of the Mountains” (Vidra de Sus, 8 October 1872 and 16 October 1876)—published by Augustin Rațiu in 1924 in his newspaper, Turda.

The 31 documents of the Rațiu collection, edited and published for the first time in the abovementioned critical edition of 2023, are accompanied by a document inventory comprising: 1. Avram Iancu’s holograph testament (Câmpeni, 20 December 1850), registered (Sibiu, 25 September 1873) and authenticated (Abrud, 20 January 1874); 2. the testament of Alesandru Iancu, Avram Iancu’s father (Vidra de Sus, 26 June 1855); 3. Alesandru Iancu’s death conscription (Vidra de Sus, 24 February 1856); 4–5. the first and the second protocol of the Abrud court (sedria) on: I) Alesandru Iancu’s asset inventory and II) the trustee to be established for Avram Iancu (Vidra de Sus, 7 September 1866); 6. receipt at Avram Iancu’s funeral (Baia de Criș, 12 September 1872); 7. Avram Iancu’s hospitalization costs (Baia de Criș, 12 September 1872); 8–16. further receipts at Iancu’s funeral (Baia de Criș, Alba Iulia, Brad and Deva, 12–13 September 1872); 17–23. various receipts regarding Iancu’s funeral (Baia de Criș, Țebea, 15–19 September 1872); 24. another receipt at Iancu’s funeral (Baia de Criș, 3 October 1872); 25. Avram Iancu’s death conscription (Vidra de Sus, 8 October 1872); 26. the death notice made by the village office (antistia) on Avram Iancu’s death conscription (Vidra de Sus, 10 October 1872); 27–28. further receipts with Avram Iancu’s funeral costs (Baia de Criș, 13 October 1872); 29. the second death conscription of Avram Iancu (Vidra de Sus, 16 October 1876); 30. the protocol of Georgiu Iancu, Avram Iancu’s nephew, on the high expenses related to Avram Iancu, “the hero of the mountains,” between 1871 and 1876 (Vidra de Jos, 12 September 1877); 31. Georgiu Iancu’s request addressed to the district court concerning Avram Iancu’s incomes and expenses (Câmpeni, 8 October 1877).

The legal documents about Avram Iancu may be grouped into several distinct categories including: a) the testaments of Avram Iancu and Alesandru Iancu (doc. 1–2 of the Rațiu collection from 1850/1874/1873 and 1855); b) the death conscription of Alesandru Iancu (doc. 3 of 1856) and the death conscriptions of Avram Iancu (doc. 25 of 1872, doc. 29 of 1876), as well as the provision issued by the antistia of Vidra de Sus for Avram Iancu’s death conscription (doc. 26 of 1872); c) two protocols of the county sedria of Abrud (doc. 4–5 of 1866); d) receipts of expenses and amounts of money payed for Avram Iancu’s hospitalization (doc. 7 of 1872), for ringing the bells in the Ro-
man Catholic, Reformed (Calvinist) and Greek Catholic churches in Baia de Criș (doc. 15–16, 19 of 1872) and at the funeral of Avram Iancu (doc. 6, 8–14, 17–18, 20–24, 27–28 of 1872); e) a protocol of expenses detailing 40 receipts totalizing 1,958 florins, and the request addressed to the district court in Câmpeni to record Avram Iancu’s expenses and income for the years 1871–1877 (doc. 30–31 of 1877).

**T**he Rațiu collection’s *pièce de résistance* is one of the most famous testaments in Romanian history, namely, the very last will written in Romanian with Latin letters and signed *manu propria* in Câmpeni on 20 December 1850 by Avram Iancu. The original holograph testament is preserved at Lucian Blaga Central University Library of Cluj-Napoca, Special Collections, the Rațiu Family collection. Such a holograph testament has a general validity and, usually, there is no longer a need for it to be authenticated. In this particular situation, after the testator’s death (10 September 1872), Iancu’s testament was registered in Sibiu (25 September 1873), then made public by the executor of the will Matei Nicola and later authenticated in Abrud (20 January 1874). The national heritage document containing the last will of Avram Iancu is of exceptional historical and legal value.

The undisputed leader of the Transylvanian Romanians during the revolution and the national war of 1848–1849, an altruistic young man aged only 26 in 1850, Iancu left all his movables and immovables to the Romanian nation in Transylvania, greatly concerned with its happiness and wellbeing. Avram Iancu’s testamentary vision regarding the happiness of the Romanian nation is anticipated and explained by the hero’s little-known proclamation, issued in Câmpeni on 4 March 1849.

The comparative analysis of his 1849 proclamation and of his last will from 1850 shows that the practical means imagined by Iancu in order to achieve and ensure the happiness of the Romanians were exclusively collective and national, namely, the founding of the first Romanian law academy in Transylvania and the provision of Romanian justice to the inhabitants of the Apuseni Mountains called Motzen (*moți*).10

**T**he second pillar of the Rațiu collection is the original testament of Avram Iancu’s father, Alesandru Iancu, unknown and unedited until 2023. Written in Romanian with Cyrillic letters, this testament drawn up in Vidra de Sus on 26 June 1855 is an immediate application of the Austrian Civilian Code of 1853 and of the subsequent imperial patent of 1854.

Alesandru Iancu established the destination of his movables and immovables after his death in his last will, drawn up 3 months and 1 week before the testa-
tor’s death (2 October 1855), as stipulated in his death conscription registered in Vidra de Sus on 26 February 1856. The testament described in 14 points the immovables (points 1–6) and the movables (points 7–10 and 13–14) owned by the testator.

Point 11 is the most surprising, as it actually reversed the algorithm of inheritance. By declaring his youngest son to be “of unsound mind and a spendthrift” (la minte clătit și prădător), that is, lunatic and wasteful, Alesandru Iancu requested the State Court to appoint a guardian (tutore) to supervise Avram Iancu and prevent him from spending his father’s assets.

In point 12, as well, Alesandru Iancu sought to keep his inheritance intact, stipulating that after the death of his wife Maria and of his elder childless son Ioan, the family fortune was to remain to Gheorghe, the son of his nephew Iosif Iancu (the son of Avram Iancu senior, the brother of Alesandru Iancu). The illiterate Alesandru Iancu signed his will by “placing his finger on the cross” (prin punerea degetului pe cruce). The autograph signatures of the ranger chief Joseph Schuster and of the two witnesses, district deputy (Albert) Mânzat and chief actuary Carl Lerchenfeld, certified the legality of the document, which was affixed with red wax seals.¹¹

The documents preserved at the Central University Library in Cluj-Napoca also provide new and very interesting historical information regarding the two “F”: the family and the finances of Avram Iancu.

We become thus acquainted with Iancu’s extended family, by means of the genealogical data and the lists showing all his paternal relatives. Avram Iancu’s relatives on his mother’s side are totally ignored in the registers, and this is not accidental. Although Austrian law granted women equal rights and shares with the men in the succession, in actual fact the old Romanian customary law showed remarkable endurance in the Land of the Motzen (Țara Moților). Thus, the dowry given to a girl upon marriage—sheep, cattle and movables (seldom money)—compensated for the land and other immovables that could be acquired only by male children, the girls being excluded from the succession.

The archive inventory of the Rațiu collection also includes several receipts, lists of expenses, financial reports and accounts (semii, sămi), comprising amounts of money to be settled (calcule, socoteli, számla, Rechnungen).

In order to better understand the special value of the documents regarding Avram Iancu, hosted today by the Special Collections of the Central University Library in Cluj-Napoca, neither their complete processing by transcription and translation, nor their historical and historiographical critical editing are enough. Only when we add the perspective of legal history can we
comprehend the spatial and temporal context and the judicial framework in which they were issued, as well as the significance of these documents with legal validity.

Fortunately, during the last decade the Historical School of Cluj has provided us with several essential works. Without them, the interpretation or even the simple description of the documentary pieces in the Rațiu collection would remain a mere notification of documents regarding Avram Iancu’s last years. Therefore, of great theoretical and methodological benefit are especially the volumes edited in 2009 by Ioan Bolovan, Diana Covaci, Daniela Deteșan, Marius Eppel, and Crinela Elena Holom, Ecclesiastical and Lay Legislation regarding the Romanian Family in Transylvania in the Second Half of the 19th Century, in 2011 by Daniela Deteșan, Adrian Onofreiu, Mircea Prahase, and Claudia Septimia Sabău, Testaments from the District of Năsăud, 1861–1871, as well as the doctoral thesis of 2019, dedicated by Gabriel Romeo Moldovan to The Testament in Transylvania in the 16th–18th Centuries: Legal Aspects and Discourse about Death. Inheritance practices in Transylvania after 1850 and even case studies from the Land of the Motzen regarding testamentary inheritances (1887) were presented by Daniela Deteșan in further studies (2011, 2013).

Both testaments, the death conscriptions, the protocols and accounts, in fact all the documents in the Rațiu collection are intrinsically linked to the legal issue of succession or inheritance. Usually, even nowadays, after the last will is made before the death of the testator, upon his death a three-step process is started, involving: 1. the opening of the succession, 2. the successional transmission and 3. the sharing of the inheritance, which also means calculating the legal inheritance quotas, in order to answer the question regarding the relatives: who inherits and how much? The abovementioned bibliographical references help us place the documents about Avram Iancu’s death in the legal historical framework of the time of their writing.

The procedure to be completed for the “conscription of the case of death” (conscrierea cazului de moarte), as well as the stages of the succession, established by the imperial patent of 9 August 1854, are presented synthetically by Daniela Deteșan, Adrian Onofreiu, Mircea Prahase, and Claudia Septimia Sabău. In the first stage, the death was established. In the second stage, the will was presented before witnesses and heirs. In the third stage, the will was made public at the court. In the fourth stage, the movable and immovable goods were inventoried. In the fifth stage, the heirs were summoned to the court. In the sixth stage, a protocol of the heritage settlement was concluded. In the seventh stage, the declaration of inheritance and the possession document were issued.

Considering the steps listed above, the role and the significance of the documents in the Rațiu collection become evident. The three death conscriptions,
namely, that of Alesandru Iancu’s death (1856) and the other two conscriptions of Avram Iancu’s death (1872 and 1876), belong to the first stage of initiating a trial for succession. To be added here is the notice issued in 1872 by the village office (antistia) of Vidra de Sus as regards the death conscription of three villagers (Avram Iancu, the local judge and another village inhabitant). We can see that, upon the deaths of Alesandru Iancu and of his son, the standardized forms—introduced by the Austrian legislator by means of Law 208 (the imperial patent) of 9 August 1854—were also used in the Land of the Motzen. According to article 50 of this law, standard form no. 1 regarding the conscription of a death was the longest (including 16 points).\textsuperscript{17} The Rațiu collection holds three such typed documents.

We lack inventories of the assets left on the death of Alesandru Iancu and of Avram Iancu. The collection of the Central University Library in Cluj-Napoca includes the first protocol of the Abrud court (sedria) of 1866, regarding the inventorying of Iancu senior’s assets. The second protocol of the sedria of Abrud aimed to establish a trusteeship for Avram Iancu, in order to enforce the unequal sharing of the fortune left by the deceased father. Unfortunately, the documents of the actual court trials regarding the inheritances of both Alesandru Iancu (after 1866) and Avram Iancu (after 1872) are yet to be identified. Maybe the documents of the trials will be found at some point, scattered and disparate, in other archives or collections.

Nevertheless, the Rațiu collection allows us the reasonable assumption that there were two trials for succession, concerning the wills of Iancu the father and Iancu the son. Even if there is a lack of evidence as regards the actual trials, the documents of the Rațiu collection still offer a conclusive judicial outline and picture of the analyzed cases.

**READING the documents of the Rațiu collection in a legal key opens up new perspectives for a better understanding of the fateful, even tragical second half of Avram Iancu’s life (1850–1872), as well as of his rich material and spiritual legacy.**

Thus, the documents preserved at the Central University Library in Cluj-Napoca bring to the fore not just any legal case, of an anonymous family of Transylvanian Romanians living in the Apuseni Mountains in the second half of the 19\textsuperscript{th} century (and even then the documents would have been of great historical interest). Instead, we are dealing with documents with a strong emotional impact, related to the fortune of the Iancu family and especially to the inheritance of Avram Iancu. The documents reveal the importance of succession in the Land of the Motzen, at the time when the men of the Iancu family lived
and died there (the father, Alesandru, died in 1855, the brother, Ioan, in 1871, and Avram Iancu in 1872).

The father and the older brother of the “Prince of the Mountains” followed the rules and embraced the materialism of ordinary existence, whereas Avram Iancu broke out of the common pattern. He was able to move the mountains in order to defend his people and his country, with a weapon in his hand at the head of a popular army in the national war (1848–1849), and with the weapon of the law when fighting for the forests of the Motzen (1850–1852), but he did not lift a finger to defend himself against the injustice of his own kin (1855–1866). It was precisely he—the lawyer of the family, acquainted with the law, dreaming to found and bequeathing his fortune to a Romanian Law Academy in Transylvania—who showed supreme contempt for any personal and individual worldly goods.

He moved between extremes: from wastefulness due to his exaggerated altruism to abject poverty (as the documents in the Central University Library of Cluj-Napoca show), putting above all and above his own life the ideal communal values and the happiness of the Romanian nation.

(Translated by Ela Cosma, translation revised by Horia Cosma)

Notes

1. The holograph testament of Avram Iancu with the autograph signature of Avram Iancu, “lawyer and emeritus praefectus” in the Latin alphabet. Original: Lucian Blaga Central University Library in Cluj-Napoca, Special Collections, Rațiu family coll., page 1r, photo testament_0001. Translated into English by Ela Cosma. Here is Avram Iancu’s last will in the original Romanian language:

_Ultima mea Vointia!

Unicul dor a vieții mele fiind ca să-mi văd Națiunea mea fericită, pentru care dupe puteri am și lucrat până acumă, durere, fără mult succes, ba toama acuma cu întristare văd că speranțile mele și jertfa adusă se prefac în nimic.

Nu sciu câte zile mai pot avea; un feliu de presimțire îmi pare că imi ar spune că vizitorul este nesigur; voesc dară și botărăt dispun ca, după moartea mea, toată averea mea mișcătorea și nemiscața o să treacă în folosul națiunei pentru ajutoriu la înființarea unei academii de drepturi, tare crescând că luptători cu arma legii vor putea scoate drepturile națiunei mele.


Avram Iancu,
Adv. și Em. Prefect


5. The corpus of *Documente privind revoluția de la 1848 în Țările Române. C. Transilvania* was published by the modern historians at George Barițiu Institute of History of Cluj-Napoca in 12 volumes (Bucharest: Editura Academiei Române, 1977–2020).


Avram Iancu’s Will and Legacy: Unknown Legal Documents (1850–1877) in the Rațiu Collection of the Lucian Blaga Central University Library in Cluj-Napoca

Our article presents the little known so-called Rațiu collection of documents from the years 1850–1877 regarding the death of the Romanian hero Avram Iancu. The documents were donated in 2015 by Indrei Rațiu to the Lucian Blaga Central University Library in Cluj-Napoca. They are valuable legal historical documents regarding the testaments of Avram Iancu (1824–1872) and of his father, Alesandru Iancu (1797–1855), as well as their trials for succession. The documents were written mostly in the Romanian language with Cyrillic and Latin letters, but inserts and documents in German and Hungarian were also added.

Keywords
Avram Iancu, testament, legal documents (1850–1877), Rațiu collection, Lucian Blaga Central University Library in Cluj-Napoca